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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/635,075

08/06/2003

Charles E. Dumont

LOT920030008US1

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01/23/2007

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EXAMINER

FARROKH, HASHEM

ART UNIT

PAPER NUMBER

2187

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/635,075

Applicant(s)

DUMONT, CHARLES E.

Examiner

Hashem Farrokh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-27, and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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*The instant application having application No. 10/635,075 has a total of 32 claims pending in the application; claims 1, 4, 6, 10, 18, and 26 have been amended; claims 19 and 28 have been canceled; no new claims have been added.*

*The indicated allowability of claim 28 is withdrawn in view of the further review of the prior art of record. The Examiner would apologize if this has caused any inconveniences.*

**INFORMATION CONCERNING CLAIMS:**

**Rejection:**

*35 U.S.C. 101 reads as follows:*

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

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*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

- 1. Claims 1-18, 20-27, and 29-33 are rejected under 35 U.S.C. 101 because the steps of determining, generating, returning... in and of themselves are not a practical application with a useful, concrete and tangible result (e.g., the actual validating never take place).*

**Claim Rejections - 35 USC § 112**

*The following is a quotation of the second paragraph of 35 U.S.C. 112:*

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.*

*Claims 1-18, 20-27, and 29-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

2. *In regard claims 1-18, 20-27, and 29-33 the claims preamble recites "...validating remotely cached content..." the body of claims only includes the steps of determining, generating, returning... but not actual validating of the cache content that is recited in the preamble.*

### ***Claim Rejections - 35 USC § 103***

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

*Claims 1-5, 7-18, 20-27, and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0026563 A1 to Chamberlain et al. (hereinafter Chamberlain) in view of U.S. Patent Publication No. 2003/0182357 A1 to Chess et al. (hereinafter Chess).*

3. *In regard to claim 1 Chamberlain teaches:*

**"A method (e.g., see paragraph 35 in page 3; Fig. 5) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), comprising: determining a**

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cacheability of a response to a client request (e.g., see paragraph 16 in page 2; paragraph 50 in page 4 to 5; element 309 in Fig. 4), sources of dynamic content in the response and a set of dependencies on the sources;" (e.g., see paragraph 14 in page 2; paragraph 48 in page 4).

"generating an entity tag based on the cacheability (e.g., see paragraph 50 in page 4 to 5), the sources and the set of dependencies;" (e.g., see paragraph 14 in page 2; paragraph 48 in page 4). *For example the cache strategy indicators generated by cacheability analyzer represents the entity tag. The indicators are generated by examining the attributes.*

"receiving a subsequent request from the client with the entity tag;" (e.g., see paragraph 48 in page 4; claim 1 in page 9). *For example the URL received from client include commands that identifies sources or associated parts. Parts may dates and other attributes.*

"and analyzing the entity tag by comparing time values within the entity tag associated with the set of dependencies to corresponding time values for the sources to determine if the cached response is valid, wherein the comparison is made without rebuilding the response." (e.g., see paragraph 10 in page 1; paragraph 140 in page 8). *However, Chamberlain does not expressly teach: "returning and caching the response and the entity tag on the client;"*

*Chess teaches: "returning and caching the response and the entity tag on the client;" (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client.*

*Disclosures by Chamberlain and Chess are analogous because both references related to web caching.*

*At the time of invention it would have been obvious to a person of ordinary skill in art to modify the system and method of caching web pages with dynamic content taught by Chamberlain to include the content-side caching of pages with changing content disclosed by Chess.*

*The motivation for using content-side caching of pages as taught by paragraph 1, page 1 of Chess is to improve the performance of internet-based or web application.*

*Therefore, it would have been obvious to combine disclosure by Chess with Chamberlain to obtain the invention as specified in the claim.*

4. *In regard to claim 10 Chamberlain teaches:*

**"A method (e.g., see paragraph 35 in page 3; Fig. 5) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), comprising: "determining a cacheability of a response to a client request for a dynamic content web page (e.g., see paragraph 16 in page 2; paragraph 50 in page 4 to 5; element 309 in Fig. 4), sources of dynamic content in the response and a set of dependencies on the sources;" (e.g., see paragraph 14 in page 2; paragraph 48 in page 4).**

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“generating an entity tag (e.g., see paragraph 50 in page 4 to 5), wherein the entity tag identifies the sources and includes cacheability flags and time values associated with the set of dependencies;” (e.g., see paragraph 14 in page 2; paragraph 48 in page 4; paragraph 53 in page 5).

“receiving a subsequent request for the dynamic content web page from the client with the entity tag;” (e.g., see paragraph 48 in page 4; claim 1 in page 9).

“and comparing the time values in the entity tag with corresponding time values for the sources to determine if the cached response is valid, wherein the comparison is made without rebuilding the response.” (e.g., see paragraph 10 in page 1; paragraph 140 in page 8). *However, Chamberlain does not expressly teach: “returning and caching the response and the entity tag on the client;”*

*Chess teaches: “returning and caching the response and the entity tag on the client;” (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.*

5. *In regard to claim 18 Chamberlain teaches:*

“A system (e.g., see paragraph 35 in page 3; Fig. 4) for validating (e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4) remotely cached dynamic content web pages (e.g., see paragraph 16 in page 2), comprising: a tag generator for generating an entity tag (e.g., see paragraph 50 in page 4 to 5) for a response to a client request for a dynamic content web page (e.g., see paragraph 48 in page 4;

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**claim 1 in page 9)**, wherein the entity tag identifies sources of dynamic content in the response and includes cacheability flags (**e.g., see paragraph 53 in page 5**) corresponding to a cacheability of the response and time values associated with a set of dependencies on the sources," (**e.g., see paragraph 48 in page 4; claim 1 in page 9**).

"and a tag analyzer for analyzing the entity tag (**e.g., Validity Analyzer 315 in Fig. 4**) when received from the client with a subsequent request for the dynamic content web page to determine if the cached response is valid (**e.g., see paragraph 48 in page 4; claim 1 in page 9**), wherein the cached response is valid if the time values within the entity tag match corresponding time values for the sources, and wherein the tag analyzer analyses the entity tag without rebuilding the response." (**e.g., see paragraph 10 in page 1; paragraph 140 in page 8**). *However, Chamberlain does not expressly teach: "wherein the response and the entity tag are cached on the client;"*

*Chess teaches: "wherein the response and the entity tag are cached on the client;" (e.g., see paragraphs 10-11 in page 1) for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.*

6. *In regard to claim 26 Chamberlain teaches:*

"A program product stored on a recordable medium (**e.g., see paragraph 144 in page 9; Fig. 2**) for validating (**e.g., see paragraph 51 in page 5; Validity Analyzer 315 in Fig. 4**) remotely cached dynamic content web pages (**e.g., see paragraph 16 in page 2**), which when executed (**e.g., see paragraph 34 in page 3**), comprises: program code



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for generating an entity tag (e.g., see paragraph 50 in page 4 to 5) for a response to a client request for a dynamic content web page (e.g., see paragraph 48 in page 4; claim 1 in page 9), wherein the entity tag identifies sources of dynamic content in the response and includes cacheability flags (e.g., see paragraph 53 in page 5) corresponding to a cacheability of the response and time values associated with a set of dependencies on the sources," (e.g., see paragraph 48 in page 4; claim 1 in page 9).

"and program code for analyzing the entity tag (e.g., see paragraph 48 in page 4; **Validity Analyzer 315 in Fig. 4**) when received from the client with a subsequent request for the dynamic content web page to determine if the cached response is valid." (e.g., see paragraph 48 in page 4; claim 1 in page 9). *However, Chamberlain does not expressly teach:* "wherein the response and the entity tag are cached on the client; program code for sending a status code to the client if the cached response is valid."

*Chess teaches:* "wherein the response and the entity tag are cached on the client;" (e.g., see paragraphs 10-11 in page 1) *for server to send respond, including cookies and content, to be cached at the client.*

"program code for sending a status code to the client if the cached response is valid." (e.g., see paragraph 9 in page 1) *for server sending a response code to client indicating the page has not been modified (e.g., is valid). The motivation for combining Chamberlain and Chess is based on the same rational given for rejection of claim 1.*

7. *In regard to claims 2 and 11 Chess teaches:*

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“sending a status code to the client if the cached response is valid;” (e.g., see **paragraph 36 in page 3**).

“and displaying the cached response.” (e.g., see **paragraphs 51-52 in page 4**).

8. *In regard to claims 3 and 12 Chamberlain teaches:*

“further comprising generating a new response if the cached response is not valid;” (e.g., see **paragraph 16 in page 2 to 3**) “determining a cacheability of the new response, sources of dynamic content in the new response and a set of dependencies on the sources of the dynamic content in the new response;” (e.g., see **paragraph 16 in page 2 to 3; paragraph 48 in page 4**).

“generating a new entity tag based on the cacheability of the new response (e.g., see **paragraph 50 in page 4 to 5**), the sources of dynamic content in the new response and the set of dependencies on the sources of the dynamic content in the new response;” (e.g., see **paragraph 48 in page 4**). *However, Chamberlain does not expressly teach:* “returning and caching the new response and the new entity tag on the client.”

*Chess teaches:* “returning and caching the new response and the new entity tag on the client.” (e.g., see **paragraphs 10-11 in page 1**) *for server to send respond, including cookies and content, to be cached at the client. The motivation for combining Chamberlain and Chess based on the same rational given for rejection of claim 1.*

9. *In regard to claims 4 and 13 Chamberlain teaches:*

“wherein the analyzing (e.g., **Cacheability analyzer 309 in Fig. 4**) step comprises:”

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“decoding the entity tag;” (e.g., see paragraph 41 in page 4; Parser 303 in Fig. 4). *For example Chamberlain teaches that the parser breaks down the URL to different parts, which inherently means decoding the entity tag (e.g., URL includes entity tag).*

“identifying the sources;” (e.g., see abstract; paragraph 48 in page 4).

“determining if the cached response is valid (e.g., see paragraph 51 in page 5), wherein the cached response is valid if the time values within the entity tag match the corresponding time values for the sources.” (e.g., see abstract; paragraph 140 in page 8).

10. *In regard to claims 5, 15, 23, and 31 Chamberlain teaches:*

“wherein the set of dependencies comprises at least one of a database design, database data, and document data.” (e.g., see paragraph 48 in page 4). *For example dependency parts include database design.*

11. *In regard to claim 7 Chamberlain teaches:*

“wherein the determining step comprises creating a set of cacheability flags based on the set of dependencies (e.g., see paragraph 48 in page 4; paragraph 53 in page 5), and wherein the entity tag includes the cacheability flags.” (e.g., see paragraph 114 in page 6). *For example the cacheability strategy flags are generated based on attributes. The attributes associated with source(s) identified in the URL request and dependencies (e.g., parts).*

12. *In regard to claim 8 Chamberlain teaches:*

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"wherein the entity tag further includes a database design time value and a data time value." (e.g., see paragraph 48 in page 4). However, Chamberlain does not expressly teach that entity tag includes: "a version number".

Chess teaches: that the entity tag or cookie includes: "a version number" (e.g., see abstract; e.g., see paragraph 10 in page 1).

13. In regard to claims 9, 16, 25, and 33 Chamberlain teaches:

"wherein the entity tag further comprises at least one of a document identifier and a user name." (e.g., see abstract; paragraph 48 in page 4). For example URL includes commands that identify documents and also user's identity that inherently includes user's name.

14. In regard to claims 14, 24, and 32 Chamberlain teaches:

"wherein the time values comprise a database design time value and a data time value." (e.g., see abstract; paragraph 48 in page 4). For example the parts include data and database design each with time attributes (e.g., modified time).

15. In regard to claim 17 Chess teaches:

"wherein the returning and caching step comprises: encoding the entity tag;" (e.g., see paragraph 33 in page 3).

"and returning the entity tag to the client in a header accompanying the response." (e.g., see paragraph 38 in page 3). For example cookie or entity tag is included in response header.

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16. *In regard to claims 19 and 27 Chamberlain teaches:*

"wherein the cached response is valid if the time values within the entity tag match corresponding time values for the sources." (e.g., see paragraph 48 in page 4). For example the request is compared or examined against previously cached request and the response is valid if there is no changed compared to the previously cached request.

17. *In regard to claim 20 Chess teaches:*

"wherein a "Not Modified" status code is sent to the client if the cached response is valid." (e.g., see paragraph 9 in page 1).

18. *In regard to claims 21 and 29 Chamberlain teaches:*

"wherein a new response is generated and sent to the client with a new entity tag if the cached response is not valid." (e.g., see paragraph 127 in page 7). For example the flags are sent to the user (e.g., client).

19. *In regard to claim 22 Chamberlain teaches:*

"a cacheability analyzer (e.g., Cacheability analyzer 309 in Fig. 4) for determining the cacheability of the response (e.g., see paragraph 16 in page 2 to 3), and for generating the cacheability flags;" (e.g., see paragraph 53 in page 5).

"and a response builder for generating the response." (e.g., see paragraph 53 in page 5).

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20. *In regard to claim 30 Chamberlain teaches:*

**"program code for determining the cacheability of the response (e.g., see paragraph 48 in page 4; paragraph 53 in page 5), and for generating the cacheability flags;" (e.g., see paragraph 53 in page 5).**

**"and program code for generating the response." (e.g., see paragraph 16 in page 2 to 3). For example server builds responses based on the client or user requests.**

*Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain in view of Chess as applied to claim 1 above, and further in view of U.S. Patent Publication 2004/0111463 A1 to Amon et al. (hereinafter Amon).*

21. *In regard to claim 6 Chess teaches:*

**"wherein the returning and caching step comprises: encoding the entity tag;" (e.g., see paragraph 33 in page 1). However, neither Chamberlain nor Chess expressly teach: "and returning the entity age to the client in a header accompanying the response."**

*Amon teaches: "and returning the entity age to the client in a header accompanying the response." (e.g., see paragraph 19 in page 2) for including the age of requested document in response header.*

*Disclosures by Chamberlain, Chess, and Amon are analogous because all references related to network communication.*

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*At the time of invention it would have been obvious to a person of ordinary skill in art to modify the system and method of caching web pages with dynamic content taught by Chamberlain to include the content-side caching of pages with changing content disclosed by Chess. Furthermore, to include the age of document in response header as taught by Amon*

*The motivation for using content-side caching of pages as taught by paragraph 1, page 1 of Chess is to improve the performance of internet-based for web application.*

*Furthermore, the motivation for including the age of document in the response header as taught by paragraph 9, page 1 is to improve Internet messaging.*

*Therefore, it would have been obvious to combine disclosure by Amon with Chess and Chamberlain to obtain the invention as specified in the claim.*

### ***Response to Remarks***

*The Applicant's Remarks has been carefully considered but are not persuasive.*

*In regard to rejection under 35 U.S.C. 101 and also 35 U.S.C. 101, 2<sup>nd</sup> paragraph*

*Applicant states:*

*"In the Office Action, claims 1-33 are rejected under 35 U.S.C. 101 "because the steps of determining, generating, returning...in and of themselves are not a practical application with a useful, concrete and tangible result (e.g., the actual validating never takes place)." Office Action, p. 3. In response, Applicant submits that claim 1 does in fact result in the actual validation of remotely cached dynamic content web pages. Claim 1 analyzes the entity tag to determine if the cached response is valid. Applicant submits that a validity determination of the cached response will necessarily determine the validity of remotely cached dynamic content web page. Accordingly, Applicant submits that recited claim 1 provides a useful, concrete and tangible result and respectfully requests withdrawal of the rejection." (Page 13 of Remarks).*

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"The Office asserts that claims 1-33 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office asserts that "the claims preamble recites "...validating remotely cached content..."; the body of claims only includes the steps of determining, generating, returning...but not actual validating of the cache content that is recited in the preamble. Office Action, pg. 3-4. Applicant herein incorporates the arguments made above with respect to the rejection under 35 U.S.C. 101, and submits that validating the cached response provides validation of the cache content recited in the preamble. Accordingly, Applicant requests that the rejection be withdrawn." (Page 13 to 14 of Remarks).

*The Examiner respectfully disagrees. The preamble 1 recites: "A method for validating remote cached dynamic content web page..." The last part of claim 1 recites: "analyzing the entity tag by comparing time values within the entity tag associated with the set of dependencies to corresponding time values for the sources to determine if the cached response is valid, wherein the comparison is made without rebuilding the response." (Emphasis added).*

*There is no validating of content web pages take place. In fact the claim as recited is an incomplete claim. For example the claim does not explain what action will be taken if the determination shows that the cached response is not valid or is valid.*

*In regard to the prior art rejection, the Applicant in pages 14 to 15 of his Remarks states:*

"... with respect to independent claims 1, 10, 18 and 26, Applicant submits that the cited references fail to teach or suggest analyzing the entity tag by comparing time values within the entity tag associated with the set of dependencies to corresponding time values for the sources to determine if the cached response is valid, wherein the comparison is made without rebuilding the response. Instead, Chamberlain teaches that "... a cached response is identified as stale when its URL is requested by a user and the cache control unit compares the candidate cached response's last modified date against all of the source parts' last modified dates..." (See paragraph 0128). However, because only the URL and a last modified date for the webpage are cached on the server,



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Chamberlain must first rebuild and evaluate the web page to determine the sources of data and to interface with each source to obtain the necessary content before any validation occurs. In contrast, in the present invention, remotely cached dynamic web pages are validated simply by analyzing the entity tag. Because the entity tag identifies, inter alia, the sources of dynamic content in the response, a comparison of time values within the entity tag associated with the set of dependencies to corresponding time values for the sources determines the validity of the cached response without having to rebuild the webpage. Applicant submits that the cited references fail to teach this claimed feature." (*Emphasis added*).

*The Examiner respectfully disagrees. The instant application defines the time value as: "... time values (i.e., "last modified dates") ..." (Paragraph 3 in page 2 of specification). Chamberlain teaches:*

"According to the present invention, a caching system and method utilized within a web server is disclosed that automatically caches web content, such as a web page, that has dynamic content. The caching system and method of the present invention is utilized within a web server which receives requests for web pages and, based upon those requests, serves web page responses that were previously cached or, if those cached responses are either inapplicable or invalid, the server builds a new response and serves it to the requester..." (*Paragraph 16, page 2*).

"In FIG. 7c, "Z" begins at 610. At 610, the Document strategy flag is examined. If it is not set, the procedure moves to 612. If it is set, the last modified date of the candidate cached response document is compared against the last modified date of the source document at 614. If the last modified dates are not equal, the candidate response is "stale" and the procedure moves to "F" shown on FIG. 7a which requests that a new response be built. If the dates are equal, at 612, the DbDesign strategy flag is examined. If it is not set, the procedure moves to 620. If it is set, the last modified date of the candidate cached response database design is compared against the last modified date of the source database design at 618. If the last modified dates are not the same at 619, the response is "stale" and the procedure moves to "F", which requests that a new response be built. If the dates are the same, at 620, the DbData strategy flag is examined. If it is not set, the procedure moves to "G" which continues at 634, discussed above. If it is set, the last modified date of the candidate cached response is compared against the last modified date of any of the data in the source database design at 622. If the last modified dates are not the same at 624, the candidate response is "stale" and the procedure moves to "F", which requests that a new response be built. If they are the same, the override check procedure begins at "G". "G" moves to 634, where the cached response is returned." (*Paragraph 140, page 8 – emphasis added*).

As shown the determination of whether the candidate response is valid or invalid (e.g., stale) depends upon setting of the flags and the results of comparison of dates (e.g., time value). The comparison is based on the response previously built and the last modified date of the source, if they are the same the cached response is returned. The new response is built only if the dates are not the same. In fact Chamberlain teaching is similar to the approach disclosed in the instant application. For example at step s6 in Figure 4 of the instant application it is shown that when the response is invalid a new response is being built (e.g., step s3 in the Figure). In summary the Examiner believes Chamberlain in view of Chess teach all limitations recited in the independent claims 1, 10, 18, and 26. Accordingly the Examiner maintains his position.

### ***Conclusion***

*Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from 8:00 AM to 5:00 PM.*

*If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on*

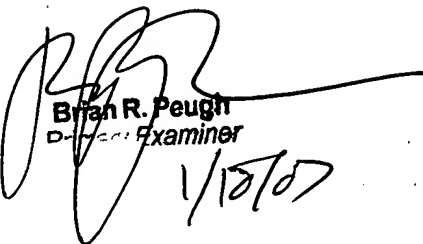
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access to the *Private PAIR* system, contact the *Electronic Business Center (EBS)* at 866-217-9197 (toll-free).

HR

HF

2006-08-06

  
Brian R. Peugh  
Patent Examiner  
1/18/07